IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4664 OF 2007

Rabbit Polymers Pvt. Ltd. .... Petitioner

versus

Mahrashtra State Financial
Corporation and another. ..... Respondent.

Shri Pankaj Das for the petitioner.
Dr. A.K. Barthakar for Respondent no.1.
Shri K.R.Chaudhari with R.C. Master for Respondent no.2

CORAM; A.P. DESHPANDE, J.
DATED; 16TH JULY, 2007

P.C.:

1. Present writ petition is directed against an order passed by the trial court rejecting the application moved by the plaintiff/petitioner at Exh.61 seeking amendment of the plaint. The present petitioner/plaintiff was granted financial assistance by the respondent no.1 Maharashtra State Financial Corporation. Respondent no.1 MSFC had issued a notice dated 13-7-2001 making a demand for the given sum of amount from the petitioner. On receipt of the notice, the present petitioner instituted a suit against MSFC for declaration of that notice as illegal, void, arbitrary so also for damages, along with other consequential reliefs. The learned counsel for the respondent MSFC submits that by taking recourse by the

provisions of sec. 31 of MSFC Act 1951, the respondent no.1 recovered a part of the amount, and with a view to recover the balance amount together with interest the respondent had issued notice dated 19-12-2006 to the guarantor by name Smt. S.V.Mehta. The present petitioner, in view of the notice issued to Smt. Mehta, the guarantor, moved an application for amendment of the plaint. With a view to challenge the said notice as well. The trial court has rejected the application mainly on the ground that the notice issued to quarantor on 19-12-2006 does not warrant amendment of the plaint, as the notice dated 19-12-2006 only seeks to demand the balance amount outstanding.

2. Perused the impugned order. The same does not call for any interference. Writ petition is thus summarily rejected.

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